

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
TOM ALEX THOMPSON, JR. ) CASE NUMBER A17-64990-WLH  
 )  
DEBTOR )

**MOTION TO DISMISS**

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtor filed a petition for relief under Chapter 13 of Title 11.

2.

Debtor's plan will exceed sixty (60) months by five (5) months in violation of 11 U.S.C. Sections 1322(d)(2)(c) and 1307(c).

3.

Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of 3/17/2022 the Trustee received a total of \$95,238.30. The Trustee's records indicate the amount delinquent is \$7,636.70. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtor proposes a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 22nd day of March, 2022.

/s/ \_\_\_\_\_  
Ryan J. Williams  
Attorney for the Chapter 13 Trustee  
State Bar No. 940874  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**EXHIBIT "A"**

CASE NO: A17-64990-WLH  
TOM ALEX THOMPSON, JR.

03/17/2022

**RECEIPT HISTORY OVER THE LAST 12 MONTHS**

<u>DATE</u>	<u>TYPE</u>	<u>SOURCE</u>	<u>AMOUNT</u>
March 01, 2022	PCH	5730	\$444.00
March 01, 2022	PCH	8731	\$888.00
January 04, 2022	PCH	5716	\$1,332.00
December 30, 2021	PCH	5715	\$888.00
December 07, 2021	PCH	5713	\$888.00
December 02, 2021	PCH	5712	\$444.00
November 01, 2021	PCH	5706	\$890.00
September 28, 2021	PCH	5705	\$888.00
September 10, 2021	PCH	5703	\$888.00
August 27, 2021	PCH	5700	\$888.00
August 03, 2021	PCH	5693	\$992.00
July 23, 2021	PCH	5691	\$785.00
July 12, 2021	PCH	5688	\$582.00
June 29, 2021	PCH	5684	\$975.00
June 07, 2021	PCH	5680	\$404.62
May 28, 2021	PCH	5678	\$380.00
May 20, 2021	PCH	5677	\$395.00
May 05, 2021	PCH	5675	\$650.00
April 23, 2021	PCH	5673	\$975.00
April 02, 2021	PCH	5668	\$950.00
<b>Receipt Total:</b>			<b>\$15,526.62</b>

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	:	<b>CASE NO. 17-64990</b>
	:	
<b>TOM ALEX THOMPSON, JR.</b>	:	<b>CHAPTER 13</b>
	:	
<b>Debtor(s).</b>	:	<b>JUDGE WLH</b>
<hr/>	:	
	:	
<b>NANCY WHALEY, TRUSTEE</b>	:	
	:	
<b>Movant(s),</b>	:	
<b>v.</b>	:	<b>CONTESTED MATTER</b>
	:	
<b>TOM ALEX THOMPSON, JR.</b>	:	
	:	
<b>Respondant(s),</b>	:	
<hr/>	:	

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Nancy J. Whaley, Standing Chapter 13 Trustee, has filed a Motion to Dismiss with the Court seeking an order of dismissal.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold an initial telephonic hearing for announcements on the Motion to Dismiss at the following number: toll-free number: **833-568-8864**; meeting id: **161 202 1574** ; at 10:10 AM on April 20, 2022 in Courtroom 1403, United States Courthouse, 75 Ted Turner Drive, SW Atlanta, GA 30303.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This the 22nd day of March, 2022.

/s/ \_\_\_\_\_  
Ryan J. Williams  
Attorney for the Chapter 13 Trustee  
State Bar No. 940874  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**CERTIFICATE OF SERVICE**

Case No: A17-64990-WLH

I certify that on this day I caused a copy of this Chapter 13 Trustee's Motion to Dismiss to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

TOM ALEX THOMPSON, JR.  
3202 CAVALIER CROSSING  
LITHONIA, GA 30038

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion to Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

**Attorney for the Debtor(s):**

SLIPAKOFF & SLOMKA, PC

This the 22nd day of March, 2022.

/s/ \_\_\_\_\_  
Ryan J. Williams  
Attorney for the Chapter 13 Trustee  
State Bar No. 940874  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201